UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,628	03/29/2001	Kenjiro Morimoto	K6510.0056/P056	4427

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EXAMINER
PHAN, TAM T

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/819,628	MORIMOTO, KENJIRO
	Examiner	Art Unit
	Tam (Jenny) Phan	2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 October 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17 and 20-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17 and 20-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 02072005

DETAILED ACTION

1.   This application has been examined. Amendment received on 10/21/2004 has been entered.

Claims 1, 3, 5, 12 and 15-17 are currently amended. Claims 18-19 are cancelled. Claims 2, 4, and 6-11

are previously presented. Claims 20-24 are new.

2.   Claims 1-17 and 20-24 are presented for examination.

Priority

3.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have

been placed of record in the file.

4.   The effective filing date for the subject matter defined in the pending claims which has support

in JP 2000-095929 in this application is 03/30/2000. Any new subject mater defined in the claims not

previously disclosed in JP 2000-095929, is entitled to the effective filing date of 03/29/2001.

5.   Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d)

prior to declaration of an interference, a translation of the foreign application should be submitted

under 37 CFR 1.55 in reply to this action.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

7.   Claims 1-17 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume

(U.S. Patent Number 6,203,433) in view of Collins (U.S. Patent Number 5,963,951).

8.   Regarding claim 1, Kume disclosed an online organizing method comprising the steps of:

inputting an organizing request from a participant (Figures 1, 3-5, column 3 lines 21-33, column 5

lines 49-56); searching personal information of participants of a plurality of terminals connected to a

network (column 2 lines 16-26, column 8 lines 13-25); selecting the participants, who are compatible

with one another, based on the personal information of the participants and the organizing request to

organize selected participants (Figure 6, column 3 lines 1-20, column 8 lines 13-25); and sharing

information by the terminals of the organized participants (column 3 lines 21-33); and transmitting to

the respective terminals control information for carrying out a specific task (column 5 lines 48-56,

column 22 lines 1-8).

9.   Kume taught the invention substantially as claimed. However, Kume did not expressly teach a

method wherein the personal information of the participants includes a purpose for participation in said

task and the organizing request includes a desired purpose.

10.   Kume suggested exploration of art and/or provided a reason to modify the online organizing

method with additional feature such as participant desired purpose in order to select more appropriate

play partners (column 1 lines 49-61, column 6 lines 19-43, column 21 lines 41-43).

11.   Collins disclosed an online matching method wherein the personal information of the

participants includes a purpose [goal] for participation in said task and the organizing request includes

a desired purpose [goal] (Abstract, Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

12.   It would have been obvious to one of ordinary skill in the art at the time of the invention was

made to modify the method of Kume with the teachings of Collins to include the participant desired

purpose feature in order to select more appropriate play partners (Kume, column 21 lines 41-43) since

it is often difficult to select proper partners for multi-players online games (Kume, column 1 lines 46-61).

13.   Regarding claim 2, Kume disclosed an online organizing method wherein for collecting on line the information for the organization from the terminals connected to the network, the participants input information by selecting items displayed on the screens to input the information (Abstract, Figures 1 & 3, column 5 lines 48-56, column 16 lines 1-21, column 22 lines 1-8).

14.   Regarding claim 3, Kume and Collins combined disclose an online organizing method comprising the steps of: inputting an organizing request from a participant, searching personal information of participants of a plurality of terminals connected to a network; selecting the participants, who are compatible with one another, based on the personal information of the participants and the organizing request to organize the selected participants; sharing information by the terminals of the organized participants; and transmitting control information for starting a program to be carried out on the terminals from an intervening stage of the program (Kume, Abstract, Figures 1, 3-6, 8, 11, column 5 lines 48-55, column 8 lines 13-25, column 16 lines 1-21, column 17 lines 8-22, column 22 lines 1-38), wherein the personal information of the participants includes a purpose [goal] for participation in said task and the organizing request includes a desired purpose [goal] (Collins, Abstract, Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

15.   Regarding claim 4, Kume disclosed an online organizing method wherein said program is an online game, and said intervening stage is one of stages of the online game (column 1 lines 12-24, column 2 lines 16-26, column 15 lines 19-28, column 16 lines 1-21).

16.   Regarding claim 5, Kume and Collins combined disclose a server comprising: organizing means for, based on personal information of participants of a plurality of terminals connected to a

network and an organizing request from at least one of the participants, selecting the participants, who are compatible with one another, to organize the selected participants, said personal information including a participant purpose and the organizing request includes a desired purpose; and information sharing means for interconnecting the terminals of the organized participants to share information (Kume, Abstract, Figures 1, 3-6, column 3 lines 21-44, column 5 line 51-column 5 line 6, column 9 lines 21-28; Collins, Abstract, Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

17.   Regarding claim 6, Kume disclosed a server wherein said participants organized by the organizing means are supplied as they are to said information sharing means (Abstract, column 2 lines 16-45, column 5lines 48-55, column 8 lines 13-25).

18.   Regarding claim 7, Kume disclosed a server wherein said server transmits control information for carrying out a specific task to the terminals of the participants organized by the organizing means (Figures 1, 3-6, column 2 lines 27-45, column 3 lines 34-44, column 5 lines 3-6, column 9 line 60-column 10 line 8).

19.   Regarding claim 8, Kume disclosed a server wherein said specific task is a task for starting a program to be carried out on said plurality of terminals from an intervening stage of the program (Abstract, column 2 lines 16-45, column 4 line 51-column 5 line 6, column 16 lines 1-21, column 17 lines 8-22).

20.   Regarding claim 9, Kume disclosed a server wherein said program is an online game, and said intervening stage is one of stages of the online game (column 1 lines 12-24, column 2 lines 16-26, column 15 lines 19-28, column 16 lines 1-21).   .

21.   Regarding claim 10, Kume disclosed a terminal device to be connected to the server comprising: external memory means for storing personal information of a participant, when the

terminal device is connected to the server, the personal information stored in the external memory

means is uploaded to the server (column 21 lines 62-64).

22.   Regarding claim 11, Kume disclosed an external memory means provided in a terminal device

and storing the personal information of the users (column 21 lines 62-64).

23.   Regarding claim 12, Kume disclosed a terminal device for a network system in which a

plurality of the terminal devices are connected to a server, said terminal device transmitting personal

information of a user to the server; sharing information through the server among the rest terminal

devices organized by the server; and cooperating with the rest terminal devices to carry out a specific

task, wherein the personal information includes a user purpose for the task (Kume, Abstract, Figures 1,

3-6, column 3 lines 21-44, column 5 line 51-column 5 line 6, column 9 lines 21-28; Collins, Abstract,

Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

24.   Regarding claim 13, Kume disclosed a terminal device wherein said specific task is a task for

starting a program to be carried out by said plurality of the terminal devices from an intervening stage

of the program (Abstract, column 2 lines 16-45, column 4 line 51-column 5 line 6, column 16 lines 1-

21, column 17 lines 8-22).

25.   Regarding claim 14, Kume disclosed a terminal device wherein said program is an online

game, and said intervening stage is one of stages of the online game (column 1 lines 12-24, column 2

lines 16-26, column 15 lines 19-28, column 16 lines 1-21).

26.   Regarding claim 15, Kume and Collins combined disclose a task carrying out method in which

terminal devices connected to a server, comprising the steps of: transmitting personal information of

the users of the terminal devices to the server; sharing information through the server among the rest

terminal devices organized by the server; and cooperating with the rest terminal devices to carry out a

specific task (Kume, Abstract, Figures 1, 3-6, column 3 lines 21-44, column 5 line 51-column 5 line 6, column 9 lines 21-28), wherein the personal information includes a user purpose [goal] for the task and said transmitting step occurs in response to a user request that includes a desired purpose [goal] (Collins, Abstract, Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

27.   Regarding claim 16, Kume and Collins combined disclose a computer readable medium storing a program for a server, said program for operating the server to perform an organizing method, said method comprising the steps of: inputting an organizing request from a participant; searching personal information of the participants of a plurality of terminals connected to a network; selecting the participants, who are compatible with one another, based on the personal information of the participants and the organizing request; sharing information among the terminals of the organized participants; and transmitting control information for carrying out a specific task (Kume, Abstract, Figures 1, 3-6, column 3 lines 21-44, column 5 line 51-column 5 line 6, column 9 lines 21-28, column 22 lines 19-37), wherein the personal information of the participants includes a purpose [goal] for participation in said task and the organizing request includes a desired purpose [goal] (Collins, Abstract, Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

28.   Regarding claim 17, Kume and Collins combined disclose a computer readable medium storing a program for a terminal device, said program for operating the device to perform an organizing method, said method comprising the steps of: transmitting to a server personal information of users based on a user request; sharing information through the server among the rest terminal devices organized by the server; and cooperating with the rest terminal devices to carry out a specific task (Kume, Abstract, Figures 1, 3-6, column 3 lines 21-44, column 5 line 51-column 5 line 6, column 9

lines 21-28, column 22 lines 19-37), wherein the personal information includes a user purpose for the

task (Collins, Abstract, Figure 3, column 2 line 50-column3 line 13, column 4 lines 50-65).

29.   Regarding claims 20-21, and 24, Collins disclosed a method wherein the personal information

of participants are previously input into the terminals by the participants and stored in the terminals,

said method further comprising the step of transmitting the personal information stored in the terminals

when the terminals are connected to the network (Figures 1, 3, column 2 line 50-column 3 line 13,

column 4 lines 33-41).

30.   Regarding claim 22, Collins disclosed a server wherein the personal information of participants

are previously input into the terminals by the participants and stored in the terminals, the terminals

transmitting the stored personal information when the terminals are connected to the network (Figures

1, 3, column 2 line 50-column 3 line 13, column 4 lines 33-41).

31.   Regarding claim 23, Collins disclosed a terminal device wherein the personal information of

participants are previously input into said terminal devices by the participants and stored in said

terminal devices, said terminal devices transmitting the stored personal information when said terminal

devices are connected to the network (Figures 1, 3, column 2 line 50-column 3 line 13, column 4 lines

33-41).

32.   Since all the limitations of the claimed invention were disclosed by the combination of Kume

and Collins, claims 1-17 and 20-24 are rejected.

33.   Claims 1-17 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks,

II (U.S. Patent Number 6,352,479), thereinafter referred to as Sparks, in view of Yamano (U.S. Patent

Number 6,547,568).

34.   Regarding claim 1, Sparks disclosed an online organizing method comprising the steps of:

inputting an organizing request from a participant; searching personal information of participants of a

plurality of terminals connected to a network; selecting the participants, who are compatible with one

another, based on the personal information of the participants and the organizing request to organize

selected participants; and sharing information by the terminals of the organized participants; and

transmitting to the respective terminals control information for carrying out a specific task (Abstract,

Figures 5A-6B, 12, column 5 lines 5-25, column 6 lines 18-33, column 7 lines 22-34).

35.   Sparks taught the invention substantially as claimed. However, Sparks did not expressly teach a

method wherein the personal information of the participants includes a purpose for participation in said

task and the organizing request includes a desired purpose.

36.   Sparks suggested exploration of art and/or provided a reason to modify the online organizing

method with additional feature such as participant desired purpose in order to match participant with

only players who have the same purpose or interests (column 1 lines 37-49, column 5 lines 5-25,

column 6 lines 19-34).

37.   Yamano disclosed an online matchmaking method wherein the personal information of the

participants includes a purpose [interest] for participation in said task and the organizing request

includes a desired purpose [interest] (Abstract, column 2 lines 33-54, column 3 lines 5-37).

38.   It would have been obvious to one of ordinary skill in the art at the time of the invention was

made to modify the method of Sparks with the teachings of Yamano to include the participant desired

purpose feature in order to match players with the same preferences (column 1 lines 37-49) since

players often have differing preferences (column 1 lines 37-37).

39.   Regarding claim 2, Sparks disclosed an online organizing method wherein for collecting on line

the information for the organization from the terminals connected to the network, the participants input

information by selecting items displayed on the screens to input the information (column 5 lines 5-26).

40.   Regarding claim 3, Sparks and Yamano combined disclose an online organizing method

comprising the steps of: inputting an organizing request from a participant, searching personal

information of participants of a plurality of terminals connected to a network; selecting the

participants, who are compatible with one another, based on the personal information of the

participants and the organizing request to organize the selected participants; sharing information by the

terminals of the organized participants; and transmitting control information for starting a program to

be carried out on the terminals from an intervening stage of the program (Sparks, Abstract, Figures 5A-

6B, 12, column 5 lines 5-25, column 6 lines 18-33, column 7 lines 22-34) wherein the personal

information of the participants includes a purpose [interest] for participation in said task and the

organizing request includes a desired purpose [interest] (Yamano, Abstract, column 2 lines 33-54,

column 3 lines 5-37).

41.   Regarding claim 4, Sparks disclosed an online organizing method wherein said program is an

online game, and said intervening stage is one of stages of the online game (column 1 lines 37-49,

column 6 lines 18-33, lines 49-61).

42.   Regarding claim 5, Sparks and Yamano combined disclose a server comprising: organizing

means for, based on personal information of participants of a plurality of terminals connected to a

network and an organizing request from at least one of the participants, selecting the participants, who

are compatible with one another, to organize the selected participants, said personal information

including a participant purpose and the organizing request includes a desired purpose; and information

sharing means for interconnecting the terminals of the organized participants to share information

(Sparks, Abstract, Figures 5A-6B, 12, column 5 lines 5-25, column 6 lines 18-33, column 7 lines 22-

34; Yamano, Abstract, column 2 lines 33-54, column 3 lines 5-37).

43.   Regarding claim 6, Sparks disclosed a server wherein said participants organized by the

organizing means are supplied as they are to said information sharing means (Abstract, column 5 lines

5-26, column 6 lines 18-33, column 6 line 62-column 7 line 3).

44.   Regarding claim 7, Sparks disclosed a server wherein said server transmits control information

for carrying out a specific task to the terminals of the participants organized by the organizing means

(Abstract, column 5 lines 5-26, column 6 lines 18-33, column 6 line 62-column 7 line 3).

45.   Regarding claim 8, Sparks disclosed a server wherein said specific task is a task for starting a

program to be carried out on said plurality of terminals from an intervening stage of the program

(Abstract, column 2 lines 16-45, column 4 line 51-column 5 line 6, column 16 lines 1-21, column 17

lines 8-22).

46.   Regarding claim 9, Sparks disclosed a server wherein said program is an online game, and said

intervening stage is one of stages of the online game (column 1 lines 37-49, column 6 lines 18-33, lines

49-61).

47.   Regarding claim 10 and 11, a database server for storing personal information (Figure 4,

column 4 lines 4-14). Examiner takes Official Notice (see MPEP § 2144.03) that "an external

memory means" in a computer networking environment was well known in the art at the time the

invention was made. The Applicant is entitled to traverse any/all official notice taken in this action

according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439

F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain

adequate information or argument to create on its face a reasonable doubt regarding the circumstances

justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in

Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact

asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean

to imply by this statement that a bald challenge, with nothing more, would be all that was needed".

Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal

by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

48.   Regarding claim 12, Sparks and Yamano combined disclose a terminal device for a network

system in which a plurality of the terminal devices are connected to a server, said terminal device

transmitting personal information of a user to the server; sharing information through the server among

the rest terminal devices organized by the server; and cooperating with the rest terminal devices to

carry out a specific task (Sparks, Abstract, Figures 5A-6B, 12, column 5 lines 5-25, column 6 lines 18-

33, column 7 lines 22-34), wherein the personal information includes a user purpose for the task

(Yamano, Abstract, column 2 lines 33-54, column 3 lines 5-37).

49.   Regarding claim 13, Sparks disclosed a terminal device wherein said specific task is a task for

starting a program to be carried out by said plurality of the terminal devices from an intervening stage

of the program (column 1 lines 37-49, column 6 lines 18-33, lines 49-61).

50.   Regarding claim 14, Sparks disclosed a terminal device wherein said program is an online

game, and said intervening stage is one of stages of the online game (column 1 lines 37-49, column 6

lines 18-33, lines 49-61).

51.   Regarding claim 15, Sparks and Yamano combined disclose a task carrying out method in

which terminal devices connected to a server, comprising the steps of: transmitting personal

information of the users of the terminal devices to the server; sharing information through the server

among the rest terminal devices organized by the server; and cooperating with the rest terminal devices

to carry out a specific task (Sparks, Abstract, Figures 5A-6B, 12, column 5 lines 5-25, column 6 lines

18-33, column 7 lines 22-34), wherein the personal information includes a user purpose [goal] for the

task and said transmitting step occurs in response to a user request that includes a desired purpose

[goal] (Yamano, Abstract, column 2 lines 33-54, column 3 lines 5-37).

52.   Regarding claim 16, Sparks and Yamano combined disclose a computer readable medium

storing a program for a server, said program for operating the server to perform an organizing method,

said method comprising the steps of: inputting an organizing request from a participant; searching

personal information of the participants of a plurality of terminals connected to a network; selecting

the participants, who are compatible with one another, based on the personal information of the

participants and the organizing request; sharing information among the terminals of the organized

participants; and transmitting control information for carrying out a specific task (Sparks, Abstract,

Figures 5A-6B, 12, column 5 lines 5-25, column 6 lines 18-33, column 7 lines 22-34), wherein the

personal information of the participants includes a purpose [interest] for participation in said task and

the organizing request includes a desired purpose [interest] (Yamano, Abstract, column 2 lines 33-54,

column 3 lines 5-37).

53.   Regarding claim 17, Sparks and Yamano combined disclose a computer readable medium

storing a program for a terminal device, said program for operating the device to perform an

organizing method, said method comprising the steps of: transmitting to a server personal information

of users based on a user request; sharing information through the server among the rest terminal

devices organized by the server; and cooperating with the rest terminal devices to carry out a specific

task (Sparks, Abstract, Figures 5A-6B, 12, column 5 lines 5-25, column 6 lines 18-33, column 7 lines

22-34), wherein the personal information includes a user purpose for the task (Yamano, Abstract,

column 2 lines 33-54, column 3 lines 5-37).

54.   Regarding claims 20-21, and 24, Yamano disclosed a method wherein the personal information

of participants are previously input into the terminals by the participants and stored in the terminals,

said method further comprising the step of transmitting the personal information stored in the terminals

when the terminals are connected to the network (Abstract, Figures 1-5, column 2 lines 33-54, column

3 lines 5-37).

55.   Regarding claim 22, Yamano disclosed a server wherein the personal information of

participants are previously input into the terminals by the participants and stored in the terminals, the

terminals transmitting the stored personal information when the terminals are connected to the network

(Abstract, Figures 1-5, column 2 lines 33-54, column 3 lines 5-37).

56.   Regarding claim 23, Yamano disclosed a terminal device wherein the personal information of

participants are previously input into said terminal devices by the participants and stored in said

terminal devices, said terminal devices transmitting the stored personal information when said terminal

devices are connected to the network (Abstract, Figures 1-5, column 2 lines 33-54, column 3 lines 5-

37).

57.   Since all the limitations of the claimed invention were disclosed by the combination of Sparks

and Yamano, claims 1-17 and 20-24 are rejected.

Response to Arguments

58.   Applicant's arguments with respect to claims 1-17 and 20-24 have been considered but are

moot in view of the new ground(s) of rejection.

59.   As the rejection reads, Examiner asserts that the combination of these teachings render the

claimed invention obvious.

Conclusion

60.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from

the mailing date of the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the date of this final action.

61.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner

can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William Cuchlinski
SPE
Art Unit 2144
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tp
February 7, 2005